



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,529	09/13/2000	Yong Rui	MS1-416US	7192

22801 7590 05/06/2004  
LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/660,529

Applicant(s)

RUI ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-43 and 65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-43 and 65 is/are allowed.
- 6) ☒ Claim(s) 16-24 and 27-35 is/are rejected.
- 7) ☒ Claim(s) 25, 26, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2611

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16, 17, 20, 21, 24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lajoie et al (6,049,333).

Regarding claim 16, Lajoie discloses receiving a football telecast via a settop (see col 12 lines 10-27), noting that a televised football game has an associated video and audio portion. Lajoie further discloses a banner is displayed informing the user that a particular team has substituted a quarterback into the game (see col 12 lines 10-27), the banner meets the claimed "metadata" limitation. Lajoie the discloses displaying the football game based on the meta data and thus discloses the claimed "rendering, based on the metadata, portions of the program as a summary of the program". It should be noted that since this would be a key point in the game it would be a summary of the game.

Claim 17 is met by that discussed above.

Considering claim 20, Lajoie discloses the claimed "wherein the receiving a program and the receiving meta data comprise receiving both the program and the meta data from the same source" (see telecasting facility 20 in fig 1).

Considering claim 21, Lajoie discloses the claimed receiving the meta data from a remote source via a network (see fig 1).

Considering claim 24, Lajoie discloses the claimed receiving the meta data comprises receiving the metadata generated automatically (see col 10 lines 49-54).

Considering claim 27, Lajoie discloses the claimed CPU (col lines 25-45, col 10 lines 43-54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 19, 22, 23, 28-33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie et al.

Regarding claim 28, Lajoie discloses a content provider to make programming content available to requesting clients (see fig 1 item 20, col 12 lines 10-49). Lajoie further discloses providing metadata, corresponding to the requesting clients, for each of the plurality of portions of the programming content (see col 12 lines 10-27), the banner meets the claimed "metadata" limitation. Lajoie fails to disclose an indicator of

Art Unit: 2611

likelihood that the corresponding portion is an exciting portion of the programming content.

The Examiner Takes Official Notice that including a probability likelihood indicator that a corresponding portion of a program which a user would find interesting and comparing this indicator to a threshold would have been well known to enable selection and display of portions of a program which would be preferred by a viewer. Therefore, it would have been obvious to one having ordinary skill in the art to modify Lajoie to include the claimed limitation to provide a viewer with those portions of a program which a viewer would find interesting or exciting.

Considering claim 29, Lajoie discloses the claimed wherein the content provider and the meta data provider are the same (see fig 1).

Regarding claim 31, Lajoie discloses displaying the football game based on the meta data and thus discloses the claimed "rendering, based on the metadata, portions of the program as a summary of the program". It should be noted that since this would be a key point in the game it would be a summary of the game.

Claims 18, 19, 32 and 33 are met by that discussed above.

Regarding claims 22 and 30, Lajoie fails to disclose the claimed network is the Internet. The Examiner Takes Official Notice that using the Internet as a network would have provided a network that is widely accessible and which provides a user with access to vast amount of information. Therefore, it would have been obvious to one skilled in the art to modify Lajoie to include the claimed limitation to provide a network

Art Unit: 2611

which is widely accessible and which provides a user with access to a vast amount of information.

Regarding claim 23 and 34, Lajoie fails to disclose the claimed receiving metadata generated manually. It would have been obvious modifying Lajoie to include a manual mode of operation would have provided the user with a greater amount of control.

Therefore, it would have been obvious to one having ordinary skill in the art to modify Lajoie to include the claimed limitation to provide a user with a greater amount of control.

Considering claim 35, Lajoie discloses the claimed receiving the meta data comprises receiving the metadata generated automatically (see col 10 lines 49-54).

### ***Allowable Subject Matter***

Claims 38-43 and 65 are allowed.

Claims 25, 26, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Art Unit: 2611

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zick (6,370,504 B1) – Speech recognition of MPEG/AUDIO encoded files

Carlbon et al (6,441,846) – Deriving sports stats from real time tracking

Rangan et al (6,154,771) – Thumbnail display of scenes

Kirsch et al (6,070,158) – Search engine with phrase indexing

Erdelyi (6,631,522) – System for indexing, sorting and display video database

Boetje et al (6,289,167) – Editing sports video segments

Lin et al (6,546,135) – Representing and comparing multimedia context

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121


Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 12/11/03



**VIVEK SRIVASTAVA  
PRIMARY EXAMINER**